

Before the  
**COPYRIGHT ROYALTY BOARD**  
Washington, D.C. 20559

FEB 04 2009

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In the Matter of :  
DIGITAL PERFORMANCE : Docket No. 2009 - 1 CRB Webcasting III  
IN SOUND AND EPHEMERAL RECORDINGS :  
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**PETITION TO PARTICIPATE**  
**OF CATHOLIC RADIO ASSOCIATION**

Catholic Radio Association (“CRA”), by counsel and pursuant to 17 U.S.C. §804(a)<sup>1</sup>, hereby petitions to participate in the above-captioned matter to determine reasonable rates and terms for statutory licenses permitting certain digital performances of sound recordings and the making of ephemeral recordings.

CRA is the principal trade association of Catholic radio broadcasters, most of which maintain an Internet presence and which stream their broadcast signals over the Internet. For convenience, we hereinafter refer to such activity as “webcasting”. Several hundred CRA member radio apostolates are (a) broadcasting and webcasting Catholic radio programming already, (b) working to launch new broadcast facilities and -- in the meantime -- webcasting, or (c) working to acquire existing broadcast facilities and -- again, in the meantime -- webcasting. Accordingly, CRA holds a significant interest in the captioned proceeding within the meaning of 17 U.S.C. § 803(a)(1), in the royalty

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<sup>1</sup> See also 17 U.S.C. §§ 803(b)(1)-(2); 37 C.F.R. § 351.1(b).

rates and terms for statutory licenses permitting the use of digital sound recordings and ephemeral recordings implicit in webcasting.

The Catholic radio format is unique inasmuch as it is a primarily talk format broadcast mostly by noncommercial stations. The noncommercial talk format of CRA members includes virtually no copyrighted music, excepting occasional live events to which the broadcast and webcast of copyrighted music is tangential. Historically, other organizations have inadequately represented the unique interest of Catholic broadcasters and webcasters in negotiations, such as those proposed in the captioned matter, to ensure the noncommercial talk format does not incur a disproportionate music royalty liability.

The appropriate filing fee is supplied herewith, and by the signatures below we hereby certify that counsel to CRA holds the authority and consent of the petitioner to represent CRA for this purpose.

In view of the foregoing, the Copyright Royalty Board should grant the instant petition and permit CRA to participate in the captioned proceeding.

Respectfully submitted,

**CATHOLIC RADIO ASSOCIATION**

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Its counsel

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